

Office of the  
CLARK COUNTY LAND USE HEARING EXAMINER

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Form DS1333

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**NOTICE TO PARTIES OF RECORD**

**PROJECT NAME: WILD GLEN SUBDIVISION**

**CASE NUMBERS: PLD2009-00057; SEP2009-00102**

The attached decision of the Land Use Hearing Examiner is final unless a motion is filed for reconsideration or an appeal is filed with Superior Court.

**Motion for Reconsideration:**

Any party of record to the proceeding before the hearings examiner may file with the responsible official a motion for reconsideration of an examiner's decision within fourteen (14) calendar days of written notice of the decision. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The motion must be accompanied by the applicable fee and identify the specific authority within the Code or other applicable laws, and/or specific evidence, in support of reconsideration. A motion may be granted for any one of the following causes that materially affects their rights of the moving party:

- a. Procedural irregularity or error, clarification, or scrivener's error, for which not fee will be charged;
- b. Newly discovered evidence, which the moving party could not with reasonable diligence have timely discovered and produced for consideration by the examiners;
- c. The decision is not supported by substantial evidence in the record; or,
- d. The decision is contrary to law.

Any party of record may file a written response to the motion if filed within fourteen (14) calendar days of filing a motion for reconsideration.

The examiner will issue a decision on the motion for reconsideration within twenty-eight (28) calendar days of filing of a motion for reconsideration.

Mailed on: February 25, 2010

Project Name: Wild Glen  
Project Number: PLD2009-57  
Planner: Richard Daviau  
Hearing Date: 2/11/10

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**BEFORE THE LAND USE HEARINGS EXAMINER  
OF CLARK COUNTY, WASHINGTON**

Regarding an application by Brian & Maria McCune )	<b><u>FINAL ORDER</u></b>
for approval of a preliminary plat to divide 3.3-acres )	<b>PLD2009-00057 and</b>
into 18 lots in the R1-6 zone at 2505 NW 151 <sup>st</sup> )	<b>SEP2009-00102</b>
Street in unincorporated Clark County, Washington )	<b>(Wild Glen Subdivision)</b>

**A. SUMMARY**

1. The applicant requests approval to divide the roughly 3.3-acre site into 18 lots. The applicant proposed to construct the development in two phases. The site is located at 2505 NW 151<sup>st</sup> Street; also known as tax lots 41 (Parcel #185195-000) and 48 (Parcel #185202-000), Section 21, Township 3 North, Range 1 East, of the Willamette Meridian (the "site"). The site and abutting properties to the south are within the County's Urban Growth Boundary (the "UGB") and are zoned R1-6 (Low Density Residential, 6,000 square foot minimum lot size). Abutting properties to the east, west and north are outside the County's UGB and are zoned R-5 (Rural, 5-acre minimum lot size). The site is currently developed with a single-family home and associated accessory structures.<sup>1</sup> The applicant proposes to remove all of the accessory structures and retain the existing residence on proposed Lot 5 and construct a new a single-family detached dwelling each of the remaining proposed lots. All proposed lots will comply with the minimum dimensional standards for the R1-6 zone. Clark Public Utilities and Clark Regional Wastewater will supply domestic water and sanitary sewer service respectively to the site. The applicant will extend NW 25<sup>th</sup> Avenue through the site, from its existing terminus at the south boundary of the site, to intersect NW 151<sup>st</sup> Street, abutting the north boundary of the site. The applicant will construct two private roads, proposed 150<sup>th</sup> and 151<sup>st</sup> Way, to the west of the proposed NW 25<sup>th</sup> Avenue extension. The applicant will collect stormwater runoff from the impervious areas of the site and convey it to a stormwater facility near the southeast corner of the site for treatment and detention. The applicant will discharge treated stormwater into the existing public storm sewer system at less than predevelopment rates.

2. The County issued a Determination of Nonsignificance ("DNS") for the subdivision pursuant to the State Environmental Policy Act ("SEPA"). Clark County Hearing Examiner Joe Turner (the "examiner") conducted a public hearing about the application. County staff recommended that the examiner approve the application subject to conditions. See the Development and Environmental Review Staff Report and Recommendation to the Hearing Examiner dated January 27, 2010 (the "Staff Report"). The applicant accepted the findings and conditions in the Staff Report, as modified at the hearing, without exceptions. Five persons testified orally and/or in writing in opposition to the application. Disputed issues or concerns in the case include the following:

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<sup>1</sup> The site originally contained two residences. The applicant completed a boundary line adjustment ("BLA") to create a separate parcel, adjusted tax lot 48, for one of the residences. See Land Use Finding 1 below.

a. Whether the applicant is required to extend 25<sup>th</sup> Avenue through the site to intersect 151<sup>st</sup> Street;

b. Whether additional traffic generated by the proposed development will exceed the capacity of area streets or create a hazard, especially on 151<sup>st</sup> Street;

c. Whether the proposed development makes adequate provision for children walking to school as required by RCW 58.17.110

d. Whether the applicant is required to construct sidewalks or other pedestrian improvements on 151<sup>st</sup> Street;

e. Whether a modification of the block length standard of CCC 40.350.030.B(2)(c)(1)(a) should be approved;

f. Whether the proposed development will cause or exacerbate flooding on adjacent properties;

g. Whether the applicant can be required to utilize sustainable or “green” building practices in the construction of the subdivision or individual homes;

h. Whether the applicant is required to provide a park or open space tract on the site; and

i. The compatibility of the proposal with the surrounding area generally.

3. Based on the findings provided or incorporated herein, the examiner approves the preliminary plat subject to the conditions at the end of this final order.

## **B. HEARING AND RECORD HIGHLIGHTS**

1. The examiner received testimony at a public hearing about this application on February 11, 2010. That testimony and evidence, including a videotape of the public hearing and the casefile maintained by the Department of Community Development (“DCD”), are included herein as exhibits, and they are filed at DCD. The following is a summary by the examiner of selected testimony and evidence offered at the hearing.

2. County planner Richard Daviau summarized the Staff Report and showed photographs of the site (Exhibit 23). He requested the examiner correct certain typographical errors in the Staff Report as discussed in Exhibit 22.

a. He testified that County transportation concurrency staff concluded that traffic signal warrants are met at the intersection of 21<sup>st</sup> Avenue and Bliss Road.

b. He testified that there is no evidence of fill on the site, other than a small mound near the north end of the site.

c. He testified that the Board of County Commissioners amended the comprehensive plan and zoning designations of the site in 2004. These amendments were not a site specific change. They were adopted as part of the overall comprehensive plan amendment for the entire County.

d. He noted that state law requires that the applicant provide a safe walking route between the site and the schools serving the site unless the school district provides bus transportation. In this case the applicant will construct sidewalks on the roads within the site, which will connect with existing sidewalks to the south and east, providing a continuous sidewalk connection between the site and the schools to the southeast. This will provide a safe walking route for students living on the site. The connection to 151<sup>st</sup> Street will provide a safe walking route for students living in the rural areas north of the site. In addition, there are existing school bus stops on 151<sup>st</sup> Street near the site. The Code does not require sidewalks or other pedestrian improvements on 151<sup>st</sup> Avenue, which is designated a rural access road.

e. He noted that the applicant's traffic impact analysis predicts that the majority of vehicle trips from the site will travel south on 25<sup>th</sup> Avenue to Bliss Road. The proposed 25<sup>th</sup> Avenue extension will provide a direct route to Bliss Road. Residents of the site are unlikely to travel north to 151<sup>st</sup> Street. County transportation staff analyzed this proposed intersection and determined that there it will not create any capacity or safety issues.

3. Engineer Andrew Gunther testified on behalf of the applicant and accepted the findings and conditions in the Staff Report, as amended, without objections. He offered the following responses to the issues raised by neighboring residents:

a. He noted that the site is zoned R1-6. The proposed lots comply with the density and dimensional requirements of the R1-6 zone.

b. He noted that NW 151st Street is a rural road. The Code does not require sidewalks or other pedestrian improvements on such rural roads. With the exception of the site, all of the properties abutting 151st Street are zoned R- 5 and are unlikely to be further developed. Therefore a sidewalk or pathway along this site's frontage would be unlikely to connect with other sidewalks in the area. This development will provide sidewalks on both sides of NW 25<sup>th</sup> Avenue and on one side of the private streets within the site. These sidewalks will connect with other existing sidewalks to the south and provide a continuous pedestrian path between the site and the public schools serving the site.

c. He testified that fill was placed on the site when the abutting property to the south was developed. The fill is an average of one foot deep across the site. The fill material will be removed as needed to allow construction of building foundations and roads on undisturbed soils.

d. He argued that the applicant must extend 25<sup>th</sup> Avenue to 151<sup>st</sup> Street in order to comply with the cross-circulation requirements of CCC 40.350.030.B(2)(c)(1)(a).

There are no other opportunities to provide regional north-south cross-circulation in the area due to the presence of wetlands, existing development and other environmental constraints.

e. He argued that the proposed 25<sup>th</sup> Avenue extension is unlikely to generate a significant amount of traffic on 151<sup>st</sup> Street. 25<sup>th</sup> Avenue to the south provides the most direct route to the majority of destinations in the area. Drivers would need to undertake out of direction travel to utilize 151<sup>st</sup> Avenue. Left turn lane warrants are not met at the intersection of 26<sup>th</sup> Avenue and Bliss Road, indicating that this intersection is operating at an acceptable level.

f. He testified that the applicant will consider various environmentally friendly design and construction techniques.

g. He noted that the development will pay park impact fees, which the County can use to develop additional regional park facilities that will mitigate the impact of the development on the need for park and open space facilities.

h. He noted that 151<sup>st</sup> Street is 870 feet north of 147<sup>th</sup> Way. Therefore this development will only exceed the maximum block length standard by 70 feet, less than ten-percent. The adjacent properties are all zoned rural, and are unlikely to redevelop. Therefore a stub street extended to the west boundary of the site would not be extended and would not provide additional cross-circulation opportunities.

4. Area resident Greg Palandrani argued that the proposed development is inconsistent with the surrounding neighborhood. The site is the only urban zoned property abutting NW 151<sup>st</sup> Street between 21<sup>st</sup> Avenue and Seward Road. The aerial photograph demonstrates that all of the other properties in the area are developed at rural densities.

a. He noted that the proposed 25<sup>th</sup> Avenue extension will provide direct access to 151<sup>st</sup> Street for residents of the site and all of the existing homes to the south of the site. Drivers may use 151<sup>st</sup> Street to avoid the failing intersection of 21<sup>st</sup> Avenue and Bliss Road. However the applicant's traffic impact analysis did not review the proposed 25<sup>th</sup> Avenue/151<sup>st</sup> Street intersection. 151<sup>st</sup> Street carries little vehicle traffic under existing conditions and is frequently used by pedestrians, cyclists and horse riders. The proposed extension of 25<sup>th</sup> Avenue will significantly increase the volume of traffic on 151<sup>st</sup> Avenue, creating a hazard for these users. The school district provides bus transportation for children living on 151<sup>st</sup> Street. However many non-students walk on this road. He noted that the traffic analysis was based on traffic counts conducted in 2006.

b. He questioned approval of the proposed road modification.

5. Jill Sughrue also argued that the proposed development is inconsistent with the surrounding neighborhood.

a. She testified that she uses 149<sup>th</sup> Street in order to avoid congestion and sight distance problems at the intersection of 21<sup>st</sup> Avenue and Bliss Road. The extension

of 25<sup>th</sup> Avenue to 151<sup>st</sup> Street will encourage additional drivers to use that route, increasing the volume of traffic on 151<sup>st</sup> Street and creating a hazard for pedestrians, cyclists and other non-motorists that travel on 151<sup>st</sup> Street under existing conditions. She testified that sight distance is limited at the intersection of 21<sup>st</sup> Avenue and Bliss Road. Drivers ignore the speed limit on Bliss Road and often fail to recognize vehicles slowing to make a turn onto 21<sup>st</sup> Avenue.

b. She urged the applicant to incorporate solar access, community gathering spaces, and other sustainable and environmentally friendly features into the design of the development and individual homes on the site.

6. Carrie Anne Palandrani noted that the County comprehensive plan discusses providing buffers between urban and rural areas. The proposed extension of 25<sup>th</sup> Avenue will eliminate any buffer and merge the urban and rural areas in the vicinity of the site.

7. Brian Gossman argued that the County should provide a walking path on 151<sup>st</sup> Street to provide a safe place for pedestrian traffic.

8. Joyce Divers testified that she uses 151<sup>st</sup> Street to walk her grandchildren to school. Additional traffic on 151<sup>st</sup> Street will create a hazard for pedestrians. 21<sup>st</sup> Avenue and 146<sup>th</sup> Street provide the only access to the schools in the area. Therefore residents of the site and surrounding properties to the south will use 25<sup>th</sup> Avenue and 151<sup>st</sup> Street to get to school and other destinations in the area. Under existing conditions many drivers travel north on 21<sup>st</sup> Avenue to 149<sup>th</sup> Street in order to avoid congestion problems at the 21<sup>st</sup> Avenue/Bliss Road intersection.

9. County engineer David Bottamini noted that the proposed development is close to meeting the maximum 800-foot block length requirement of CCC 40.350.030.B(2)(c)(1)(a). Ordinarily the applicant would be required to meet this standard by extending a stub street to the west boundary of the site. However, because the properties to the west are zoned for rural development, such a stub street would be unlikely to be further extended. Construction of such a street stub would impose an unnecessary hardship on the applicant. Therefore the proposed road modification complies with the approval criteria in CCC 40.550.010.A(1)(b), "A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship."

a. He noted that condition of approval A-3.b requires that the applicant provide a sight distance analysis of the 21<sup>st</sup> Avenue/Bliss Road and 26<sup>th</sup> Avenue/Bliss Road intersections.

10. The examiner closed the record at the end of the hearing and announced his intention to approve the proposed development subject generally to the conditions of approval in the Staff Report, as amended at the hearing. The examiner took under advisement the disputed issue regarding the road modification request.

### **C. FINDINGS:**

Only issues and approval criteria raised in the course of the application, during the hearing or before the close of the record are discussed in this section. All approval criteria not raised by staff, the applicant or a party to the proceeding have been waived as contested issues, and no argument with regard to these issues can be raised in any subsequent appeal. The Examiner finds those criteria to be met, even though they are not specifically addressed in these findings. The following issues relate to the mandatory applicable approval criteria for this proposal and were addressed by County staff in their reports, by agency comments, by the applicant and others. The Examiner adopts the following findings with regard to each:

**LAND USE:**

Finding 1 - Boundary Line Adjustment (BLA)

The subject site consists of Tax Lots 41 and 48, both under the same ownership. The applicant completed a BLA in order to adjust one of the existing residences on the site out of the proposed subdivision (see adjusted Tax Lot 48 on the proposed plat). This BLA was recorded with the Clark County Auditor prior to the fully complete determination. The remainder of the site will be divided into the proposed 18 lots with the other existing residence to remain on Lot 5. As part of the fully complete determination, staff found both Tax Lots 41 and 48 were legal lots of record and met zoning requirements. Therefore, the BLA complies with applicable state and local requirements.

Finding 2 - Lot Standards

The proposed subdivision is located in the R1-6 zone, which requires an average minimum lot size of 6,000 square feet and an average maximum lot size of 8,500 square feet. The average lot size is 6,064 square feet and therefore complies with lot size standards. The R1-6 zone also requires an average lot width of 50 feet and an average lot depth of 90 feet. All proposed lots comply with the lot width and depth requirements of the zone.

Concerns were expressed about the density of development proposed. The examiner understands residents' displeasure with the growth around them, but this growth was foreseeable and is in the broader public's interest. The site and surrounding area to the south has been included in the County's urban growth boundary and zoned R1-6 since 2004. As large lots are sold, they will presumably be developed to the maximum extent allowed. The examiner finds that objections to the proposed lot sizes and density are not relevant, because the density and dimensions of proposed lots comply with the comprehensive plan map designation and zoning of the property.

Nothing in the Code or comprehensive plan requires that the applicant design or construct this development to provide a buffer or transition between the urban and rural areas. The urban growth boundary is expressly intended to provide a clear distinction between urban and rural areas. See, e.g., pp 1-1, 1-7 and 1-17 of the Land Use Element of the comprehensive plan and Policy 1.2.1. This development will provide a clear distinction, with smaller, urban scale, lots on the site abutting larger, rural scale, lots to the east, west and north.

The Code does not authorize the County to require larger lots so that they are consistent with the size of surrounding lots. In fact such a requirement is prohibited by the Growth Management Act (RCW 36.70B.030) as amended by the 1995 Legislature, which prohibits review of the allowed density at this stage.

Even if the applicant wanted to, the site could not be develop with substantially larger lots under the current zoning. The Code imposes minimum density and maximum lot sizes to maximize the density in the urban growth boundary, consistent with the comprehensive plan and zoning maps, to make the most efficient use of urban services.

Although the proposed lots are smaller than adjacent lots, the uses are not incompatible. The applicant is proposing to provide single-family detached residences adjacent to existing single-family development. Even if the subdivision will have an adverse impact on property value --- and there is no substantial evidence to that effect in the record --- protection of property value and consistency with adjoining development are not relevant to the applicable State or County standards. The examiner must base the decision on the laws of Clark County and Washington State.

The Code does not regulate the design, style, appearance, size or value of homes on the proposed lots and does not authorize the County to require the use of sustainable or “green” building practices in the construction of the site or individual homes, beyond those required by the building code and other applicable regulations, such as the stormwater ordinance.

#### Finding 3 - Phasing Plan

The applicant proposes to develop the 18 lot subdivision in two phases. Phase 1 will consist of Lots 5 through 18, all of NW 25<sup>th</sup> Avenue (public), NW 151<sup>st</sup> Way (private), and Tract A (stormwater facility). Phase 2 will consist of Lots I through 4 and NW 150<sup>th</sup> Way (private). Phase I will need to be constructed prior to or at the same time as Phase 2 because NW 25<sup>th</sup> Avenue will provide access for proposed Lots I through 4. (See Condition D-1)

#### Finding 4 - Setbacks

Although details of home construction on the proposed lots have not been provided or required, the following setbacks apply to the proposed lots. Building setbacks are defined as the minimum horizontal distance between the property line and the foundation wall, exclusive of other building elements:

- Twenty foot front setback
- Ten foot street side setback
- Five foot side and rear setback for all other setbacks in the plat

The existing residence that will remain on proposed lot 5 complies with setback requirements with one exception. The southern part of the residence, identified with cross marks on the proposed plat, is located within the ten foot street side setback. The applicant proposes to remove this portion of the residence in order to comply with setback requirements. This is acceptable as long as this portion of the residence is removed prior to final plat approval. (See Condition D-2)

#### Finding 5 - Existing Structures

There are two existing residence with several accessory structures on the subject site. The applicant adjusted one of the existing residences out of the plat (see adjusted Tax Lot 48 on the proposed plat). The other existing residence will remain on proposed Lot 5. The applicant has indicated that all existing accessory structures will be removed from the site. All existing accessory structures shall be removed from the site prior to final plat approval. (See Condition D-3)

#### Finding 6 - Manufactured Homes

The applicant has not indicated that manufactured homes would be placed on the lots in the proposed plat. Therefore, pursuant to CCC 18.406.020(U), manufactured homes are prohibited on any lot in this plat (see Condition D-13a).

#### Finding 7 - State Platting Standards (RCW 58.17)

With conditions of approval, the examiner finds the proposed subdivision will make appropriate provisions for public health, safety, and general welfare of the community. Proof of adequate water and sewer service, as well as treatment of any increase of stormwater runoff, will be provided to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school and transportation provisions, maintenance and services.

Neighbors argued that the applicant should be required to provide a park or open space area on the site. However the Code does not require a park or open space under the circumstances of this application. The applicant or subsequent purchasers of lots in the subdivision are required to pay Park Impact Fees that the County can use for acquisition and development of parks and open spaces in the surrounding area. By doing so, the applicant mitigates the impact of the subdivision on the need for additional parks and open space. Residents may contact the County Parks Department and encourage them to review the need for additional parks in the surrounding area.

#### **Conclusion (Land Use):**

The examiner concludes that the proposed preliminary plan meets the land use requirements of the Clark County Code subject to conditions.

#### **ARCHEOLOGICAL:**

##### Finding 8

The proposal is located within a high probability area for containing cultural resources. The Washington State Department of Archaeology and Historic Preservation (DAHP) reviewed the applicant's archaeological predetermination completed and agrees that no further archaeological work is needed. The standard conditions regarding discovery of resources will be applied. (See Exhibit 10, Condition A-1a, and Condition D-13b)

#### **TRANSPORTATION CONCURRENCY:**

##### Finding 9 - Trip Generation

The applicant has submitted a traffic study (Tab 15 of Exhibit 6) that indicates that the proposed Wild Glen Subdivision will consist of 18 new detached single family homes.

The applicant's traffic study has also estimated the weekday a.m. peak-hour trip generation at 13 new trips, while the p.m. peak-hour trip generation is estimated at 17 new trips using nationally accepted data published by the Institute of Transportation Engineers.

The applicant has submitted a traffic study under the provisions of Clark County Code section 40.350.020 (D)(1). This site is located at 2505 NW 151<sup>st</sup> Street. The background traffic counts in the traffic study were performed in October 2009. See Appendix B of the Traffic Study.

#### Finding 10 - Site Access

Traffic conditions are usually expressed using a scale that quantifies the ability of a facility to meet the needs and expectations of the driver. This scale is graded from A to F and is referred to as level-of-service (LOS). A driver who experiences an LOS A condition would expect little delay. A driver who experiences an LOS E condition would expect significant delay, but the traffic facility would be just within its capacity to serve the needs of the driver. A driver who experiences an LOS F condition would expect significant delay with traffic demand exceeding the capacity of the facility with the result being growing queues of traffic.

Congestion, or concurrency, level of service (LOS) standards are not applicable to accesses that are not regionally significant; however, the LOS analysis provides information on the potential congestion and safety problems that may occur in the vicinity of the site.

The submitted traffic study indicates that NW 25<sup>th</sup> Avenue will be extended north from the Hidden Valley View Subdivision, abutting the south boundary of the site. The NW 25<sup>th</sup> Avenue extension, through the proposed development, will create a new intersection at NW 151<sup>st</sup> Street. The traffic study did not evaluate this new intersection for an estimated LOS in the 2014 build-out horizon.

Staff is not anticipating a problem at the proposed 25<sup>th</sup> Avenue/151<sup>st</sup> Street intersection due to low vehicle volumes. However, in order to understand potential operations of the new intersection, Staff used the applicant's traffic study information to model levels-of-service. The County's Concurrency Model evaluated the LOS under the p.m. peak hour traffic conditions in the build-out scenario. County Staff concluded that the new proposed intersection of NW 25<sup>th</sup> Avenue/NW 151<sup>st</sup> Street will operate at a LOS B or better in the 2014 build-out horizon.

The examiner finds that this development is unlikely to cause a significant increase in traffic volumes on 151<sup>st</sup> Street. The new NW 25<sup>th</sup> Avenue/NW 151<sup>st</sup> Street intersection will provide access to 151<sup>st</sup> Street for residents of the site and surrounding properties to the south. However, as noted in the traffic study, the majority of drivers will travel south on 25<sup>th</sup>/26<sup>th</sup> Avenue to Bliss Road, a minor arterial street. Logical drivers will travel on the shortest, most direct route between their origin and destination. Given the location of the site near the northwest corner of the urban area, the majority of destinations are located south of the site. 151<sup>st</sup> Avenue, located north of the site, does not provide a direct

route for most vehicle trips originating on the site or surrounding urban properties. Some residents of the rural area north of the site may utilize the new NW 25<sup>th</sup> Avenue/NW 151<sup>st</sup> Street intersection to avoid the congestion problems noted on southbound NW 21<sup>st</sup> Avenue at Bliss Road. However such diverted trips will not increase, and may reduce, the volume of traffic on 151<sup>st</sup> Street.

#### Finding 11 - Concurrency

The proposed development is required to meet the standards established in CCC 41.350.020(G) for corridors and intersections of regional significance within 2 miles of the proposed development. Typically, the County's transportation model is used to determine what urban area developments are currently being reviewed, approved, or is under construction and in the vicinity of the proposed development. The traffic these developments generate is referred to as "*in-process traffic*" and will ultimately contribute to the same roadway facilities as the proposed development. This "*in-process traffic*" is used to evaluate and anticipate area growth and its impact on intersection and roadway operating levels with and without the proposed development, helping to determine if roadway mitigation necessary to reduce transportation impacts.

The "*in-process traffic*" information that can be obtained from the County's transportation model is from developments that generate 10 vehicle trips or more (10, or more, single family lots) in the PM peak hour travel time. Developments, in an urban area, that have fewer than 10 vehicle trips (less than 10 single family lots) in the PM peak hour travel time do not explicitly get shown in the County's model, but, are accounted for in a "*background growth rate*" (1% per year). This "*background growth rate*" is a conservative rate to capture the collective effect from all of the smaller developments in the immediate area.

#### Unsignalized Intersections

County Staff has performed an evaluation of the operating levels, travel speed and delay standards represented in the County's model. The County's model consists of the study intersections and corridors of regional significance in the development area yielding operating levels, travel speed and delay times, during both the am and pm peak hours. The modeling results indicate a LOS better than the minimum allowable LOS E for unsignalized intersections, with the exception of the NW 21<sup>st</sup> Avenue/NW Bliss Road intersection. This intersection will have an unsignalized operational LOS F. This intersection also meets signal warrants. Therefore, this intersection does not comply with the Concurrency Ordinance.

The examiner notes that the applicant's traffic study conflicts with County Staff's conclusion. The traffic study concluded that signal warrants are not met at this intersection. See p 18 of the Traffic Study. However County staff and the applicant agree that traffic from this development will not impact the failing southbound approach of this intersection. There is no substantial evidence to the contrary. Traffic from this development would need to undertake out of direction travel, north to 151<sup>st</sup> Street, in order to travel southbound on 21<sup>st</sup> Avenue. The majority of traffic from this development will travel south on 25<sup>th</sup>/26<sup>th</sup> Avenue to access Bliss Road and avoid the failing approach of this intersection. Therefore it is unnecessary to resolve this conflict and determine if

this intersection meets traffic signal warrants as part of this decision. Because this proposed development will not contribute to the degradation of the NW 21<sup>st</sup> Avenue/NW Bliss Road intersection, additional analysis or mitigation at the intersection of NW 21<sup>st</sup> Avenue/NW Bliss Road is not required.

#### Signalized Intersections

The County's model evaluated the operating levels, travel speeds and delay times for the regionally significant signalized intersections. This analysis showed that individual movements during peak hour traffic conditions had approach delays that did not exceed the Concurrency Ordinance maximum of 240 seconds of delay in the build-out year. Therefore, County Staff has determined that this development will comply with adopted Concurrency standards for signalized intersections.

#### Concurrency Corridors

Evaluation of the concurrency corridor operating levels and travel speeds represented in the County's model yielded operating levels and travel speeds with an acceptable level of service.

#### Summary

The County has determined that this development will comply with the adopted Concurrency Standards for corridors, signalized and unsignalized intersections under County jurisdiction with the required mitigation as outlined above.

### **SAFETY:**

Where applicable, a traffic study shall address the following safety issues:

- traffic signal warrant analysis,
- turn lane warrant analysis,
- accident analysis, and
- any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030(B)(6) The code states that "nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a *significant* traffic or safety hazard *would be caused or materially aggravated* by the proposed development; provided, that the applicant may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020."

#### Finding 12 - Traffic Signal Warrants

A traffic signal analysis was performed by the applicant's consultant. This signal warrant analysis evaluated the intersection of NW 21<sup>st</sup> Avenue/NW Bliss Road. The traffic study concluded that none of the signal warrants are expected to be met in the 2014 build-out horizon with the additional traffic from the proposed development. The study also stated that a traffic signal, at the intersection of NW 21<sup>st</sup> Avenue/NW Bliss Road is not necessary or recommended.

Staff concurs with the applicant's findings as submitted;<sup>2</sup> however, Staff notes that there should be a more extensive analysis with future development that may have impact on the failing approach of NW 21<sup>st</sup> Avenue/NW Bliss Road. As stated above, Staff finds that because this proposed development will not contribute to the degradation of the NW 21<sup>st</sup> Avenue/NW Bliss Road intersection, additional analysis or mitigation at the intersection of NW 21<sup>st</sup> Avenue/NW Bliss Road is not required.

#### Finding 13 - Turn Lane Warrants

Turn lane warrants are evaluated at unsignalized intersections to determine if a separate left or right turn lane is needed on the uncontrolled roadway.

The applicant's traffic study reviewed the site access for turn lane warrants and found that with the low traffic volumes, turn lanes would not be warranted at the studied intersection. County staff agrees with the traffic study findings.

#### Finding 14 - Historical Accident Situation

The applicant's traffic study analyzed the accident history within the vicinity of the site. The intersection accident rates do not exceed thresholds that would warrant additional analysis. Therefore, further analysis *is not* required.

#### Conclusion

In summary, the examiner approves the development application as proposed, subject to the conditions of approval stated below.

### **TRANSPORTATION**

#### Finding 15 - Pedestrian/Bicycle Circulation Plan

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with the provisions of Section CCC 40.350.010. The proposal meets the pedestrian circulation code for onsite.

RCW 58.17.110 requires that the applicant for a subdivision make adequate provisions for safe-walking paths for students walking to and from school. This site is located in the Vancouver School District. The applicant has provided a letter from the School District, which states that students living less than one-mile from school are required to walk unless there are unsafe walking conditions. This site is located less than one mile from the schools serving the site; Chinook Elementary, Alki Middle and Skyview High Schools. The proposed sidewalks within the site will connect with existing sidewalks to the south and east to provide a continuous safe walking route between the site and these schools. Therefore the examiner finds that the application complies with RCW 58.17.110.

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<sup>2</sup> This statement conflicts with Staff's determination that signal warrants are met at the NW 21<sup>st</sup> Avenue/NW Bliss Road intersection. The applicant's traffic study concluded that signal warrants are not met at this intersection. However, as noted in Finding 11 above, it is unnecessary to resolve this conflict as part of this decision.

The examiner finds that the applicant is not required to provide a sidewalk or pedestrian path on 151<sup>st</sup> Street since this road is classified as a rural access road. (See Finding 17). The Code does not require pedestrian amenities on rural roads outside of rural commercial zones. See CCC Table 40.350.030-5. The proposed development will generate some pedestrian and vehicular traffic on streets in the area, contributing to the general need for road improvements. However the need for a pathway is largely created by existing development, assuming a pathway is needed on this road. The applicant is not required to remedy all existing and proposed deficiencies in the area.

The lack of sidewalks on 151<sup>st</sup> Street increases the hazard for pedestrians on this street. However the proposed development will not substantially increase the hazard, because it will not substantially increase the volume of vehicular traffic on 151<sup>st</sup> Street. The proposed development may reduce the volume of traffic on 151<sup>st</sup> east of the site by providing a new connection to 151<sup>st</sup> Street that allows drivers to avoid the failing intersection of 21<sup>st</sup> Avenue and Bliss Road. Sidewalks within the development will create a safer alternative route for pedestrians residing north of the site.

The proposed development will increase traffic volumes in the area generally, creating a proportionally higher risk for drivers, pedestrians and bicyclists. In response reasonably prudent people exercise more care personally and with family members. The examiner concludes that the increased risk that results from traffic generated by the proposed development does not pose a hazard to public health and safety, because of the small absolute and relative impacts of the subdivision. Those risks are consistent with the location of the site in the urban area where county plans call for the sort of development being proposed. Parents have an obligation to warn their children of the risks of traffic and to educate and supervise them accordingly.

Reasonably prudent drivers will observe the posted speed limit and if necessary, further reduce their speed to accommodate changing road conditions. Unfortunately not all drivers are prudent enough to observe posted speed limits and road conditions. However there is no evidence that the development proposed in this application will contribute a disproportionate share of imprudent drivers.

#### Finding 16 - Road Cross-Circulation

The applicant has proposed the extension of NW 25<sup>th</sup> Avenue to NW 151<sup>st</sup> Street to the north. In addition, staff believes the block length to the east can be measured from the right-of-way of existing NW 148<sup>th</sup> Street to the right-of-way of NW 151<sup>st</sup> Street, which is a distance of about 720 feet and does not exceed the 800-foot maximum standard. The applicant has submitted a road modification request to allow for the block length to the west that that does not meet the 800-foot block length. The examiner approves this road modification request. (See Transportation Finding 18)

The applicant cannot terminate NW 25<sup>th</sup> south of 151<sup>st</sup> Street as proposed by neighboring residents. The applicant must extend NW 25<sup>th</sup> Avenue to NW 151<sup>st</sup> Street in order to comply with the street extension and connectivity standards of CCC 40.350.030.B(9) and CCC 40.350.030.B(2). This street connection will enhance access opportunities for all

area residents and allow traffic to disperse onto multiple streets, reducing traffic volumes and congestion on individual streets in the area and enhancing emergency access.

#### Finding 17 - Roads

NW 151<sup>st</sup> Street is a “Rural Local Access” road. The required half-width right-of-way is 25 feet and the applicant indicates 30 feet of right-of-way currently exists. Therefore, the minimum half-width frontage improvement requirement has been satisfied.

NW 25<sup>th</sup> Avenue is an “Urban Local Residential Access” road and the applicant has appropriately proposed the extension of the road north to NW 151<sup>st</sup> Street. The minimum standards for right-of-way width, paved width, curbs, gutters, and sidewalks have been met. Curb return radii are required per Table 40.350.030-4. (See Condition A-3a)

#### Finding 18 - Road Modification

The applicant has submitted a road modification due to staff’s interpretation of how a block length to the west would be measured as a result of the creation of the proposed Wild Glen Subdivision. The applicant proposes that the road modification request can be justified per CCC 40.550.010(A)(1)(b). From existing NW 147<sup>th</sup> Way to the south to NW 151<sup>st</sup> Street to the north, the existing block length would be about 870 feet, which exceeds the maximum standard of 800 feet, a nine-percent exceedance. The existing block is close to meeting the standard. Therefore the examiner finds that approval of the road modification constitutes “a minor change” to the block length standard. The modification is required to address a specific design or construction problem; properties to the west are zoned rural and therefore unlikely to redevelop and extend a road stub from this site in the foreseeable future. Denial of the modification would impose an unusual hardship on the applicant, requiring an additional \$18,500 in road construction costs, elimination of one of the proposed lots and creation of an unusable stub road. Therefore the examiner finds that road modification complies with CCC 40.550.010(A)(1)(b).

In addition, the examiner finds that a condition of approval requiring construction of a stub road to the west boundary of the site would constitute an unconstitutional taking without compensation, based on the U.S. Supreme Court's decision in *Dolan v. City of Tigard* as expanded by the Washington Court of Appeals in *Burton v. Clark County*, 91 Wn.App. 505, 958 P.2d 343 (1998). The *Dolan* case allows the County to impose an exaction as a condition of approval only if there is an essential nexus between the exaction and the impacts of the development, and the cost of the exaction is roughly proportional to the impact of the development based on an individualized determination. The County has the burden of proof to show a condition complies with these requirements. An exaction imposed by a condition of approval may be an uncompensated taking of private property in violation of the 5th Amendment to the US Constitution in the absence of such a showing. The *Burton* case established a four-part test for determining constitutionality of a proposed exaction. The government must show that: 1) the condition is designed to address a public problem; 2) the proposed development will cause or exacerbate the identified problem; 3) the exaction tends to solve or alleviate the problem; and 4) the exaction is roughly proportional to the impacts of the development.

In this case the identified public problem is a need for cross-circulation to the west. A stub road to the west boundary of the site would tend to alleviate the problem, if it is ever

extended to intersect other streets in the area. However, because the abutting properties to the west are zoned for rural development, there is no substantial evidence that such a stub street would be further extended and provide cross-circulation in the foreseeable future. Therefore there is no substantial evidence that a street stub on this site would have any tendency to solve or even alleviate the identified public problem. *Burton* at 528. Therefore the examiner finds that there is no nexus between the impacts of this development and a condition of approval requiring a stub street to the west boundary of the site and a condition of approval requiring such a stub street to comply with CCC 40.350.030.B(2)(c)(1)(a) would constitute an unconstitutional exaction.

Therefore the examiner approves the road modification request.

#### Finding 19 - Sight Distance

The applicant has submitted a sight distance analysis letter dated November 12, 2009. The applicant is sending trips through NW 21<sup>st</sup> Avenue and NW 25<sup>th</sup>/26<sup>th</sup> Avenue to NW Bliss Road. As a result, the applicant shall analyze sight distance at the intersections of NW 21<sup>st</sup> Avenue and NW Bliss Road; and NW 26<sup>th</sup> Avenue and NW Bliss Road. (See Condition A-3b)

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Additional building setbacks may be required for corner lots in order to maintain adequate sight distance. The final engineering plans shall show sight distance triangles for all corner lots. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches and intersections.

#### Finding 20 - Phasing

The applicant is responsible for providing all necessary transportation improvements required for each individual phase. The design of the required transportation improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-3c)

#### **Conclusion (Transportation):**

The examiner concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

#### **STORMWATER:**

##### Finding 21 - Applicability

The application is vested under the previous Stormwater and Erosion Control Ordinance (CCC 40.380), which applies to development activities that result in 2,000 square feet or more of new impervious area within the urban area; the platting of single-family residential subdivisions in an urban area; and all land disturbing activities not exempted in section 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, involves platting of a single-family residential subdivision, and is a land disturbing activity not exempted in section 40.380.030. Therefore, this development shall comply with the

Stormwater and Erosion Control Ordinance (CCC 40.380).

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Finding 22 - Stormwater Proposal

The applicant has proposed a wet pond that will fulfill the function of both water quality and quantity control. The facility will be located inside a stormwater tract and will be publicly owned and maintained. Existing on-site Hillsboro Silt Loam is typically not well suited for infiltration.

The preliminary stormwater report identifies a 100-year/24-hour storm precipitation depth as being 4.0 inches. The 10-year/24-hour storm event precipitation depth is 3.0 inches. In addition, the 2-year/24-hour storm event precipitation depth is identified as being 2.0 inches.

Finding 23 - Site Conditions and Stormwater Issues:

Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See Condition A-4a)

Mr. Gossman testified that the fill material placed on the site in the past blocked the natural flow of stormwater from a neighboring property across this site. See Exhibit 12. This may be a violation of the Code and/or state law, to the extent that the property owner's activities increased or concentrated runoff and flooding on adjacent properties. However the examiner has no jurisdiction to review the alleged violation, because placement of fill on the site is not proposed as part of this development. To the extent that the prior placement of fill constitutes a Code violation, it can be addressed through the County's enforcement process. The owner of the neighboring property may also have a cause of action for damages. He should consult an attorney to advise him of his rights.

Finding 24 - Phasing

The applicant is responsible for providing all necessary stormwater improvements required for each individual phase. The design of the required stormwater improvements for each proposed phase will be reviewed during final engineering review. (See Condition A-4c)

**Conclusion (Stormwater):**

The examiner concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

**FIRE PROTECTION:**

Finding 25 - Fire Marshall Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323, or e-mail at [tom.scott@clark.wa.gov](mailto:tom.scott@clark.wa.gov).

Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition E-1)

Finding 26 - Fire Flow/Hydrants

Fire flow in the amount of 1000 gallons per minute supplied at 20 psi for 60 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available at the site and is estimated at 1,750 gpm.

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Condition D-5)

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact Fire District 6 at 360-576-1195 to arrange for location approval. (See Condition D-6)

Finding 27 - Fire Apparatus Access/Parking

The roadways and maneuvering areas as indicated in the application meet the requirements of the Clark County Road Standard. Provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus.

Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING". (See Condition D-7)

**Conclusion (Fire Protection):**

The examiner finds that the proposed preliminary plan, subject to conditions identified above, meets the fire protection requirements of the Clark County Code.

**WATER & SEWER SERVICE:**

Finding 28

The applicant has submitted utility reviews from Clark Regional Wastewater and Clark Public utilities indicating that public sewer and water is available to the subject site. All lots in the proposed plat must connect to an approved public sewer. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health

Department with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (See Condition D-8)

#### Finding 29

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See Condition D-9)

#### **IMPACT FEES:**

#### Finding 30

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF) per dwelling. The site is within the Vancouver School District with a SIF of \$1,112.00, Park District 10 with a PIF of \$1,094.00 (acquisition) + \$440.00 (Development), and the Mt. Vista Transportation Subarea with a TIF of \$5,344.37.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (See Condition D-10d & E-2)

### **D. CONCLUSION**

Based on the above findings and discussion, the examiner concludes that PLD2009-00057 and SEP2009-00102 (Wild Glen Subdivision) should be approved, because it does or can comply with the applicable standards of the Clark County Code and the Revised Code of the State of Washington, subject to conditions of approval necessary to ensure the final plat and resulting development will comply with the Code.

### **E. DECISION**

Based on the foregoing findings and except as conditioned below, the examiner hereby approves PLD2009-00057 and SEP2009-00102 (Wild Glen Subdivision) in general conformance with the applicant's revised preliminary plat (Exhibit 5 and the related plans, reports and proposal (Exhibits 6 and 17). The approval is granted subject to the requirements that the applicant, owner or subsequent developer (the “developer”) shall comply with all applicable code provisions, laws and standards and the following conditions. These conditions shall be interpreted and implemented consistently with the foregoing findings.

## Conditions of Approval

### **A Final Construction Plan Review for Land Division Review & Approval Authority: Development Engineering**

Prior to construction, a Final Construction shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

- A-1 Final Construction Plan** - The applicant shall submit and obtain County approval of a final construction plan in conformance to CCC 40.350 and the following conditions of approval:
- a. Archaeology** - A note shall be placed on the face of the final construction plans "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- A-2 Transportation:**
- a. Signing and Striping Plan**: The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform any signing and pavement striping required within the County right-of-way. This plan and work order shall be approved by the Department of Public Works prior to final plat or final site plan approval.
  - b. Traffic Control Plan**: Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system.
- A-3 Final Transportation Plan (On-Site & Frontage)** - The applicant shall submit and obtain County approval of a final transportation design in conformance with CCC 40.350 and the following conditions of approval:
- a.** Curb return radii are required per Table 40.350.030-4 (see Finding 17).
  - b.** The applicant shall comply with the sight distance standards of CCC 40.350.030(B)(8) including at the intersections of NW 21<sup>st</sup> Avenue and NW Bliss Road; and NW 26<sup>th</sup> Avenue and NW Bliss Road. The applicant will be responsible for necessary mitigations. (See Finding 19)
  - c.** The applicant is responsible for the design and construction of all necessary transportation improvements required for each individual phase (see Finding 20).

- A-4 **Final Stormwater Plan** - The applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380 and the following condition of approval:
- a. Per CCC 40.380.040(C)(1)(g), the project shall not materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots (see Finding 23).
  - b. According to CCC 40.380.050 (B)(8), properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site (see Finding 23).
  - c. The applicant is responsible for the design and construction of all necessary stormwater improvements required for each individual phase (see Finding 24).
- A-5 **Erosion Control Plan** - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- A-6 **Excavation and Grading** - Excavation/grading shall be performed in compliance with CCC 14.07. A grading permit is required if excavation exceeds 50 cubic yards and a SEPA is required if the amount of cut or fill exceeds 500 cubic yards.

<b>B</b>	<b>Prior to Construction of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to construction, the following conditions shall be met:

- B-1 **Pre-Construction Conference** - Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.
- B-2 **Erosion Control** - Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
- B-3 **Erosion Control** - Erosion control facilities shall not be removed without County approval.

<b>C</b>	<b>Provisional Acceptance of Development</b> <b>Review &amp; Approval Authority: Development Inspection</b>
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction/land division plan and the following conditions of approval:

- C-1 None

<b>D</b>	<b>Final Plat Review &amp; Recording</b> <b>Review &amp; Approval Authority: Development Engineering</b>
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Phase I shall be constructed prior to or at the same time as Phase 2 because NW 25<sup>th</sup> Avenue provides access for proposed Lots I through 4 (see Finding 3).
- D-2 The southern part of the residence on proposed lot 5, identified with cross marks on the proposed plat, shall be removed in order to comply with setback requirements (see Finding 4).
- D-3 All existing accessory structures shall be removed from the site (see Finding 5).
- D-4 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational.
- D-5 Either the indicated number or the spacing of the fire hydrants is inadequate. Provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See Finding 26)
- D-6 Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. A 3-foot clear space shall be maintained around the circumference of all fire hydrants. The local fire district chief approves the exact locations of fire hydrants. (See Finding 26)
- D-7 The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (see Finding 19). Parallel parking is prohibited on streets that are less than twenty-four (24) feet wide. Streets that are less than twenty-four (24) feet wide shall be posted "NO PARKING".
- D-8 All lots in the proposed plat must connect to an approved public sewer and water systems. A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health Department with the final plat mylar. The applicant shall comply with all requirements of the purveyor.
- D-9 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.
- D-10 **Developer Covenant** - A "Developer Covenant to Clark County" shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas - "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control - "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Private Roads: "Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this development. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or abutting lot owners to include hard surface paving and is accepted by the county for public ownership and maintenance."
- d. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this subdivision are: \$1,112.00 (Vancouver School District), \$1,534.00 (\$1,094.00 - Acquisition; \$440.00 - Development for Park District 10), and \$5,344.37 (Mt. Vista subarea) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated [REDACTED], and expiring on [REDACTED]. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

- D-11 **Private Road Maintenance Covenant** – A private road maintenance covenant shall be submitted to the responsible official for approval and recorded with the County Auditor. The covenant shall set out the terms and conditions of responsibility for maintenance, maintenance methods, standards, distribution of expenses, remedies for noncompliance with the terms of the agreement, right of use easements, and other considerations, as required under 40.350.030(C)(4)(g).
- D-12 **Addressing** - At the time of final plat, existing residence(s) that will remain may be subject to an address change. Addressing will be determined based on point of access.
- D-13 **Plat Notes** - The following notes shall be placed on the final plat:
- a. Mobile Homes: "Mobile homes are not permitted on any lots of the proposed subdivision."
  - b. Archaeological (all plats): "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, all work in the vicinity shall cease and the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be

notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

- c. Sidewalks: "Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."
- d. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- e. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."

<b>E</b>	<b>Building Permits</b>
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	<b>Review &amp; Approval Authority: Customer Service</b>
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- E-2 **Impact Fees** - The applicant shall pay impact fees for the proposed lots as follows (There will be a one lot impact fee credit due to the existing residence):
  - a. \$1,112.00 per dwelling for School Impact Fees (Vancouver School Dist.)
  - b. \$1,534 per dwelling for Park Impact Fees (\$1,094.00 – Acquisition; \$440.00 – Development for Park District 10)
  - c. \$5,344.37 per dwelling for Traffic Impact Fees (Mt. Vista TIF Sub-area)

If the building permit application is made more than three years following the date of preliminary site plan approval, the impact fees shall be recalculated according to the then-current rate.

<b>F</b>	<b>Occupancy Permits</b>
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	<b>Review &amp; Approval Authority: Building</b>
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Prior to issuance of an occupancy permit, the following conditions shall be met:

None

<b>G</b>	<b>Development Review Timelines &amp; Advisory Information</b>
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	<b>Review &amp; Approval Authority: None - Advisory to Applicant</b>
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- G-1 **Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

G-2 **Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:

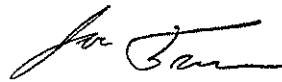
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
- There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

G-3 **Building and Fire Safety**

Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into compliance. Land use decisions do not waive any building or fire code requirements.

DATED this 25th day of February 2009.

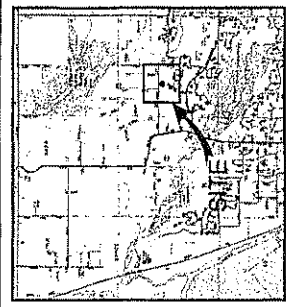


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Joe Turner, AICP, Hearings Examiner

# Wild Glen Subdivision

Located in the NW 1/4 of Section 21 T3N, R1E, W1M.  
Clark County, Washington



**Project Notes:**  
According to 2022 data, there are no areas located mapped for wetlands, unstable slopes, wildlife habitat, riparian areas, or other sensitive natural areas. The project area is located in a rural area with no known wetlands, unstable slopes, or other sensitive natural areas. The project area is located in a rural area with no known wetlands, unstable slopes, or other sensitive natural areas. The project area is located in a rural area with no known wetlands, unstable slopes, or other sensitive natural areas.

NW 1000 Hwy and NW 1514 Hwy are proposed as Urban Private Roads. These roads will be constructed within 20' easement and will provide a minimum of 20' easement with curbs and 5' sidewalk on one side as required by Clark County Ordinance 15.01.010. The easement will be provided by the owner of the property.

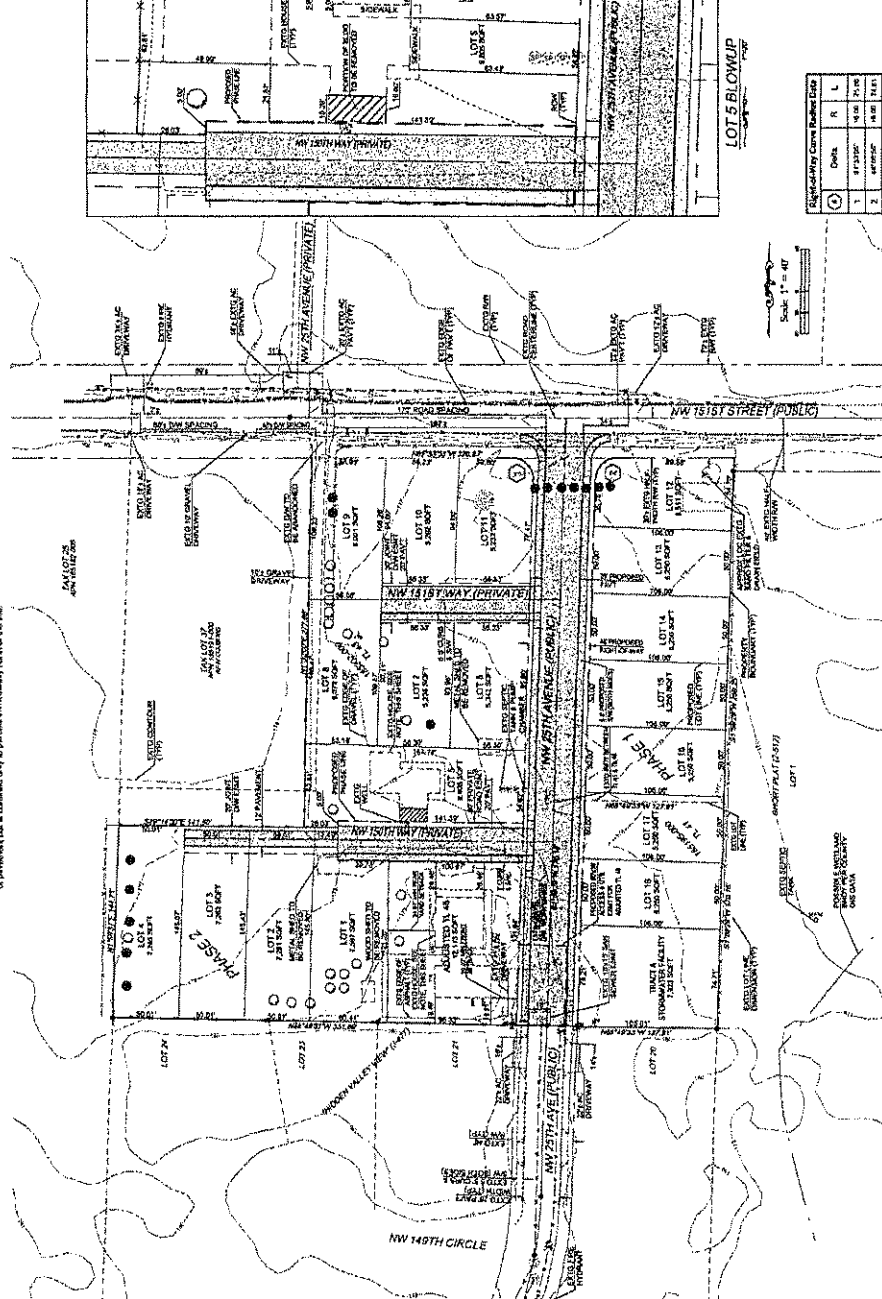
There are no other features immediately adjacent to the site. However, there are other lots along the north and south sides of NW 1514 Hwy, approximately 27' from the east end of the property. NW 1514 Hwy has a paved width of approximately 22' along the 1/4 mile bridge. NW 1514 Hwy is approximately 20' wide with 15' curbs and additional easements on each side where it crosses the property from the north.

Q-100 provides that additional easements 10' wide on each side of the 15' Road (47' total) be provided along NW 1514 Hwy. The easement is located at the intersection of NW 1514 Hwy and NW 2000 Avenue.

There are no other features immediately adjacent to the site. However, there are other lots along the north and south sides of NW 1514 Hwy, approximately 27' from the east end of the property. NW 1514 Hwy has a paved width of approximately 22' along the 1/4 mile bridge. NW 1514 Hwy is approximately 20' wide with 15' curbs and additional easements on each side where it crosses the property from the north.

**Wild Glen Subdivision**  
A Subdivision Located in Clark County, Washington  
Proposed Development Plan Form  
Submitted by: [Name]  
Reviewed by: [Name]  
Date: [Date]

**GENERAL INFORMATION:**  
Address: [Address]  
Owner: [Owner]  
Project: [Project]  
Submitted by: [Name]  
Reviewed by: [Name]  
Date: [Date]



**LOT 5 BLOWUP**

Significance	Curve	Radius	Delta	R	L
1	1	1	1	1	1
2	2	2	2	2	2

Scale: 1" = 40'



# HEARING EXAMINER EXHIBITS

APPLICATION: Wild Glen Subdivision  
CASE NUMBERS: PLD2009-00057  
Hearing Date: February 11, 2010

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
1		CC Development Services	Aerial Map
2		CC Development Services	Vicinity Map
3		CC Development Services	Zoning Map
4		CC Development Services	Comprehensive Plan Map
5	11/13/09	Applicant: PLS Engineering	Full Size Plans
6	11/13/09	Applicant: PLS Engineering	Application Packet: Cover Sheet, Application Forms, SEPA, Boundary Line Adjustment, Pre-App Rpt, GIS Packet, Narrative, Legal Lot Determination, Soil Report, Drainage Rpt, Stormwater Plan, Engineer Statement, Circulation Plan/Traffic Study, Arch Pre-Det, Sewer Utility Review, Water Utility Review, Health Dept Review, CC & R's, Boundary Line Adjustment, School Dist Ltr, Email from Eng, re: NW 151 <sup>st</sup> Street Classification
7	12/3/09	CC Development Services	Development Review Fully Complete Determination
8	12/16/09	CC Development Services	Notice of Type III Development Review, Optional SEPA & Public Hearing
9	12/16/09	CC Development Services	Affidavit of Mailing Public Notice
10	12/17/09	Dept of Archaeology & Historic Preservation	Comment Letter
11	12/17/09	SW Clean Air Agency	Comment Letter
12	12/29/09	Brian Grossman	Comment Letter
13	12/30/09	Dept of Ecology	Comment Letter
14	12/30/09	Gregory and Carrie Ann Palandrani	Comment Letter
15	1/8/10	CC Development Services	Early Day Review
16	1/11/10	Applicant: PLS Engineering	Affidavit of Land Use Sign
17	1/20/10	Applicant: PLS Engineering	Road Mod Revised Circulation Plan

EXHIBIT NO.	DATE	SUBMITTED BY	DESCRIPTION
18	1/20/10	CC Development Engineering	Road Mod Recommendation
19	1/27/10	CC Development Services	Public Hearing Notice
20	1/27/10	CC Development Services	Affidavit of Posting Public Notice
21	1/27/10	CC Development Services – Richard Daviau, Project Planner	Type III Development & Environmental Review, Staff Report & Recommendation
22	2/9/10	CC Development Engineering	Engineering Addendum
23	2/11/10	CC Development Services	Power Point Pictures
24	2/11/10	Lana Grasso	Comment Letter

Copies of these exhibits can be viewed at:

Department of Community Development / Planning Division  
1300 Franklin Street  
Vancouver, WA 98666-9810